

_____ BILL NO. _____

INTRODUCED BY _____

(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT ALL JUDGES AND JUSTICES BE ELECTED TO OFFICE ON A PARTISAN BASIS; ELIMINATING THE PROHIBITION ON PARTY ENDORSEMENT OF JUDICIAL CANDIDATES; AMENDING SECTIONS 3-10-201, 7-3-1342, 7-3-4462, 13-14-111, AND 13-14-212, MCA; AND REPEALING SECTION 13-35-231, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Judicial officers subject to partisan election.** Notwithstanding any other provision of law, all judicial officers must be elected to office on a partisan basis and are subject to the provisions of this title that are applicable to partisan elections.

Section 2. Section 3-10-201, MCA, is amended to read:

"3-10-201. Election. (1) Each justice of the peace must be elected by the qualified electors of the county at the general state election immediately preceding the expiration of the term of office of the justice of the peace's predecessor.

(2) A justice of the peace must be nominated and elected on ~~the nonpartisan judicial~~ a partisan ballot in the same manner as judges of the district court.

(3) Each judicial office must be a separate and independent office for election purposes, each office must be numbered by the county commissioners, and each candidate for justice of the peace shall specify the number of the office for which the candidate seeks to be elected. A candidate may not file for more than one office.

~~(4) Section 13-35-231, prohibiting political party endorsement for judicial officers, applies to justices of the peace."~~

Section 3. Section 7-3-1342, MCA, is amended to read:

"7-3-1342. City court. (1) A city court is established in and for each municipality, with the jurisdiction, powers, and duties within the municipality provided by general law for city courts in cities and towns and for justices of the peace.

(2) The commission shall by ordinance determine the number of judges required for operation of the city court. City court judges ~~are to~~ must be elected every 4 years in a ~~nonpartisan~~ partisan election held in conjunction with the regularly scheduled general election. The term of office for a city judge is 4 years.

(3) The qualifications to hold the office of city judge ~~shall~~ must be set by ordinance by the commission. The ordinance ~~shall~~ must be consistent with any rules adopted by the Montana supreme court on city judge qualifications.

(4) Whenever a vacancy occurs in the office of city judge, the commission shall appoint a qualified individual to serve for the remainder of the term. The compensation of the city judge or judges ~~shall~~ must be fixed by the commission."

Section 4. Section 7-3-4462, MCA, is amended to read:

"7-3-4462. Office of city judge. (1) In each municipality having a commission-manager form of government, a city judge ~~shall~~ must be elected every 4 years in a ~~nonpartisan~~ partisan election held in conjunction with the regularly scheduled municipal election. The city judge shall hold office for a term of 4 years.

(2) The qualifications to hold the office of city judge ~~shall~~ must be set by ordinance by the commission. The ordinance ~~shall~~ must be consistent with any rules adopted by the Montana supreme court on city judge qualifications.

(3) If a vacancy occurs in the office of city judge, the commission shall appoint a qualified individual to serve for the remainder of the term."

Section 5. Section 13-14-111, MCA, is amended to read:

"13-14-111. Application of general laws. Candidates for nonpartisan offices, ~~including judicial offices,~~ ~~shall~~ must be nominated and elected according to the provisions of this title except as otherwise provided in this chapter."

Section 6. Section 13-14-212, MCA, is amended to read:

"13-14-212. Form of ballot on retention of certain incumbent judicial officers. ~~If there is no~~ the only candidate ~~other than~~ is the incumbent for the office of chief justice, supreme court justice, district court judge, or justice of the peace, the name of the incumbent must be placed on the official ballot for the general election as follows:

Shall (insert title of officer) (insert name of the incumbent officer) (insert political party affiliation) of the
(insert title of the court) of the state of Montana be retained in office for another term?

Following the question, provision must be made, subject to rules adopted pursuant to 13-12-202, for a voter to indicate a "yes" or "no" vote."

NEW SECTION. **Section 7. Repealer.** Section 13-35-231, MCA, is repealed.

NEW SECTION. **Section 8. Codification instruction -- directions to code commissioner.** (1)
[Section 1] is intended to be codified as an integral part of Title 13, chapter 1, part 1, and the provisions of Title 13, chapter 1, part 1, apply to [section 1].

(2) Section 13-14-211 is intended to be renumbered and codified as an integral part of Title 13, chapter 10, part 2.

(3) Sections 13-14-212 and 13-14-213 are intended to be renumbered and codified as an integral part of Title 13, chapter 12, part 2.

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